

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEON CARTER, an individual, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

C&S WHOLESALE GROCERS INC., a
Vermont Corporation; TRACY LOGISTICS
LLC DBA STOCKTON LOGISTICS LLC, a
Delaware Limited Liability Company; and
DOES 1 TO 50,

Defendants.

CASE NO. 2:22-cv-02165-KJM-AC

**ORDER GRANTING IN PART
PLAINTIFF'S UNOPPOSED REQUEST TO
SEAL**

1 Plaintiff Carter submits an unopposed request to seal three documents currently filed on the
2 docket:

3 (1) Plaintiff's request for dismissal of the action and exhibit A, ECF No. 28;
4 (2) Declaration of Meghan N. Higday in support of dismissal of the action, ECF No.
5 28-1; and
6 (3) Proposed order granting plaintiff's request for dismissal, ECF No. 28-2.

7 “[T]he courts of this country recognize a general right to inspect and copy public records and
8 documents, including judicial records and documents.” *Nixon v. Warner Commc'ns*, 435 U.S. 589,
9 597 (1978) (footnotes omitted). Although that right is not absolute, “‘a strong presumption in favor
10 of access’ is the starting point.” *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)
11 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). Courts grant
12 requests to seal records in civil cases in only limited circumstances, such as to protect against
13 “gratification of] private spite or promot[ion of] public scandal” or to preclude court dockets from
14 being “reservoirs of libelous statements” or “sources of business information that might harm a
15 litigant’s competitive standing.” *Nixon*, 435 U.S. at 598 (citations omitted).

16 “Those who seek to maintain the secrecy of documents attached to dispositive motions must
17 meet the high threshold of showing that ‘compelling reasons’ support secrecy.” *Kamakana*, 447 F.3d
18 at 1178 (citing *Foltz*, 331 F.3d at 1136). The compelling-reasons standard applies even if contents
19 of the dispositive motion or its attachments have previously been filed under seal or are covered by a
20 generalized protective order, including a discovery phase protective order. *See Foltz*, 331 F.3d at
21 1136. To demonstrate compelling reasons, a party is “required to present articulable facts identifying
22 the interests favoring continued secrecy and to show that these specific interests [overcome] the
23 presumption of access by outweighing the public interest in understanding the judicial process.” *Id.*
24 at 1181 (internal citations, quotation marks, and emphasis omitted). “When sealing documents
25 attached to a dispositive pleading, a district court must base its decision on a compelling reason and
26 articulate the factual basis for its ruling, without relying on hypothesis or conjecture.” *Id.* at 1182
27 (internal citation, quotation marks, and emphasis omitted).

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1 The court has reviewed the three documents plaintiff wishes to seal and finds only Exhibit A
2 to plaintiff's request for dismissal meets the compelling reasons standard. Plaintiff has not offered a
3 sufficient explanation for sealing plaintiff's request for dismissal of action, declaration of Meghan
4 Higday in support of dismissal of the action or the proposed order granting plaintiff's request.

5 **The court grants plaintiff's request in part.** The court directs the Clerk of Court to seal
6 only Exhibit A to plaintiff's request for dismissal of the action.

7 IT IS SO ORDERED.

8 DATED: July 13, 2023.

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11 CHIEF UNITED STATES DISTRICT JUDGE

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BAKER & HOSTETLER LLP
ATTORNEYS AT LAW
LOS ANGELES